18.

D.B. CIVIL SPECIAL APPEAL (WRIT) NO.391/2007.
M/s. Ambe Grit Udyog Vs. State & Ors.

Date of Order : 16th April 2007.

HON'BLE MR. JUSTICE P.B. MAJMUDAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Dinesh Mehta, for the appellant.
Mr. Sangeet Lodha, for the respondents.

..

Heard the learned counsel.

In our view, the learned Single Judge has rightly not entertained the writ petition as it was filed against issuance of show cause notice, we do not find any infirmity in the order of the learned Single Judge. The Authority may consider the submissions canvassed before it in connection with issuance of show cause notice and will decide the matter in accordance with law. It is for the Authority to decide whether the appellant is entitled to get the benefit of incentive scheme. Since, the concerned Authority has not taken any final decision, the appellant can take all available points raised in these proceedings, before the concerned Authority. At the time of taking final decision, the Authority may consider the points raised by the present appellant before it. We may also clarify that the observations made by the learned Single Judge in the impugned order may be treated that of tentative in nature and

the Authority shall decide the case after considering the material available before it and may take appropriate decision in accordance with law.

Subject to the aforesaid observations, the appeal is dismissed.

(DINESH MAHESHWARI), J. **(P.B. MAJMUDAR) ,J.**

Mohan/